

## **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**In re the application of inventor(s):**

SANDS, Lenny

Serial Number: Not yet assigned

Examiner: Not yet assigned

Filed: Filed herewith

Art Unit: Not yet assigned

Confirmation No.: Not yet assigned

**For: BLENDER AND MUGS**

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### **MAIL STOP PATENT APPLICATION**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## **PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER M.P.E.P. § 708.02(VIII), ACCELERATED EXAMINATION**

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Dear Sir or Madam:

Applicant hereby petitions to make this new application, which has not received any examination by the Examiner, special. Applicant has conducted a pre-examination search and seeks to expedite examination of the present application.

All the claims in this case are directed to a single invention. If the Office determines that all the claims presented are not obviously directed to a single invention, then Applicant will make an election without traverse as a prerequisite to the grant of special status.

A search has been made by a professional searcher in the following classes and subclasses: 215/392; 220/716, 718; 366/197, 205 206 314; and D7/378, 413.

Submitted herein is a list of the references deemed most closely related to the subject matter encompassed by the claims. These references include:

<u>PATENT NUMBER</u>	<u>INVENTOR</u>	<u>DATE OF ISSUE</u>
Des. 470,050	Renz et al.	02/22/2003
5,720,552	Schindlegger	02/24/1998
4,889,248	Bennett	12/26/1989
4,708,487	Marshall	11/24/1987
4,487,509	Boyce	12/11/1984
4,480,926	Lattery, Jr. et al.	11/06/1984
3,881,705	Greenspan	05/06/1975
3,704,864	Lee	12/05/1972
3,315,946	Nissman	04/25/1967
3,085,710	McIlroy	04/06/1963
3,064,949	Dewenter	11/20/1962
2,299,730	Bornstein	10/27/1942
2001/0036124	Rubenstein	11/01/2001 (publication date)

### **DETAILED DISCUSSION OF THE REFERENCES**

Set forth below are detailed descriptions of the patents deemed most closely related to the claims of the present invention and having the most applicability to patentability thereof. Upon review of the following, Applicant believes that the Examiner will agree that these references do not defeat patentability of Applicant's claims and that Applicant's claims should be allowed.

#### **Schindlegger, U.S. Patent No. 5,720,552**

This reference is directed to a drinking glass with an integral stirring assembly. The drinking glass includes a base to which a cylindrical top is attached. A stirrer is rotatably attached to the surface of the base so as to extend in the area subtended by the top. The stirrer is actuated by a motor inside the base. A seal seated in a recess located in the top of the base provides a seal around the top of the motor. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Bennett, U.S. Patent No. 4,889,248**

This reference is directed to a combination container cap and blender adapter for facilitating the interconnection of a standard container directly to a standard blender. As shown in Figures 1 and 2, the container may be a mug-shaped container which is connected to an adapter ring. The adapter ring is then coupled to the slender attachment base having a rotary cutting blade. The completed assembly may then be placed on a blender for mixing. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Marshall, U.S. Patent No. 4,708,487**

This reference is directed to a blender for installation under kitchen cabinets. The blender includes a cup-shaped container with inner threads at the bottom and top edge which engage annular threads on the bottom wall of the housing to seal the container around the blender shaft. This reference does not disclose at least following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Boyce, U.S. Patent No. 4,487,509**

This reference is directed to a blender for blending materials having a removable cap. The cap is removably connectable to the open upper end of the container, and a mixer is connected to the cap for blending the material. The drive assembly has a portion adapted to receive the cap with the container connected thereto and another portion removably engagable with the mixer for driving the mixer to blend the material contained in the container. As shown in the figure, the container is generally in the shape of a mug having a handle. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Lattery, Jr. et al., U.S. Patent No. 4,480,926**

This reference is directed to a device for mixing individual serving portions of powdered food product with liquid. The device includes an upwardly opened container having a wide screw neck and a cover formed to threadably mount onto the neck to form a sealed chamber within the container. As shown in Figure 1, the container may be in the shape of a mug having a handle. A motor is mounted on the top of the cover and drives a rotatable shaft which, when the cover is secured on the container, extends downwardly from the cover into the container chamber along a central axis. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of

the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Greenspan, U.S. Patent No. 3,881,705**

This reference is directed to a blender adapter suitable to adapt containers of various sizes for use with conventional blenders. The adaptor is composed of an annular adapter ring having external threads of suitable pitch and diameter to engage within the jar retainer threads in a leakproof manner. The adapter ring is machined with interior threads with suitable size and pitch to receive a bottle of relatively small capacity in a mechanically secure and leakproof manner and with the revolving cutting blade concentrically positioned. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Lee, U.S. Patent No. 3,704,864**

This reference is directed to a food mixer. One embodiment includes a mixer unit which may be removably, sealingly affixed to the top of a receptacle containing the material to be mixed and the combination thereof inverted during the mixing operation. The container contains threads on the inner diameter of the container that are adapted to engage the threads on the blender base. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Nissman, U.S. Patent No. 3,315,946**

This reference is directed to a mixing and blending device. As shown in Figure 1, the blender includes a container having a generally mug-shaped structure with a handle. The blender is composed of a jar, base and blade holding members that are separable into easily cleaned parts which must be properly assembled before the blender and mixer can be safely operated. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**McIlroy, U.S. Patent No. 3,085,710**

This reference is directed to attachments for conventional drinking container, such as tumbler or drinking-glasses, or infant's nursing bottles which will render them capable of being used in a controlled manner by or for infants, children, ill patients or passengers on trains and airplanes so as to enable such persons to drink liquid out of the container without spilling the contents of the containers. As shown in the figures, these attachments may be threaded onto the openings of the containers. This reference does not disclose at least the following: a base having a

locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Dewenter, U.S. Patent No. 3,064,949**

This reference is directed to a container that may be used with a blender. As shown in Figure 1, the container assembly may be a large mouth Mason jar having a screw cap fitted onto the lower end of the jar. This screw cap is also provided with an outward radially extending lip to rest on the four rubber inserts fixed in dove tail slots in the upper end of a hollow body portion of the blender base. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Bornstein, U.S. Patent No. 2,299,730**

This reference is directed to vessel attachments and more particularly to an attachment for drinking vessels to protectively cover the lip or rim of the vessel. The attachment is arranged to be mounted on the rim of the vessel having inner and outer flanges to cover the inner and outer diameter of the drinking vessel as shown in Figure 3. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Rubenstein, U.S. Patent Application Publication No. 2001/0036124**

This reference is directed to a beverage container with an integrated stirring device. The drinking container includes an integrated power stirring device extending from the interior surface of the bottom section of the housing and driven by a small battery powered motor located in the bottom section of the housing. The bottom section and the integrated stirring device are fitted with an inside thread for screwing to the container and may be removed for a separate cleaning or simply left in place, adding soap and turning on the stirring device. A removable lid which mechanically engages the top of the container is also provided. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

**Renz et al., U.S. Design Patent No. D470,050**

This reference is directed to the ornamental design of a converter ring as shown and described in the figures. This reference does not disclose at least the following: a base having a locking groove, a container having one or more locking members in spaced relation about the periphery of the opening of the container, or a ring selectively attachable and removable from the periphery of the opening of the container.

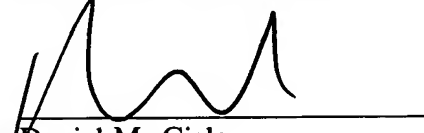
Applicant is submitting the appropriate fee under 37 C.F.R. 1.17(h) in the amount of \$130.00 included with the filing fee payment for the accompanying application.

Also attached is an Information Disclosure Statement setting forth the entire results of the performed search.

In complying with the requirements of the present petition and in particularly setting forth the patentability of the claims, Applicant believes the application to be in condition for allowance. Applicant respectfully requests the Examiner to pass the application on to allowance at an early date. It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicant's Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

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